

ALEX G. TSE (CABN 152348)
Acting United States Attorney

BARBARA J. VALLIERE (DCBN 439353)
Chief, Criminal Division

KYLE F. WALDINGER (CABN 298752)
Assistant United States Attorney

450 Golden Gate Avenue, 11th Floor
San Francisco, California 94102
Telephone: (415) 436-6830
Facsimile: (415) 436-7234
Email: kyle.waldinger@usdoj.gov

LAURA-KATE BERNSTEIN (Maryland Bar)
Trial Attorney

LOUISA K. MARION (DCBN 1005062)
Senior Counsel

Computer Crime & Intellectual Property Section
U.S. Department of Justice
1301 New York Ave. NW, Suite 600
Washington, D.C. 20005
Telephone: (202) 514-1026
Email: laura-kate.bernstein@usdoj.gov
Email: louisa.marion@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PETITION OF JENNIFER GRANICK)	No. CV 16-80206 MISC. KAW
AND RIANA PFEFFERKORN,)	
)	UNITED STATES' SECOND SUPPLEMENTAL
)	BRIEF
)	
)	Hearing date: May 3, 2018
)	Time: 1:30 p.m.
)	Court: Hon. Kandis A. Westmore
)	

On March 26, 2018, the United States filed its Supplemental Brief. On page 4 of that filing, it stated that, since April 2017, the Clerk's Office creates a "shell" for search warrants and other so-called "magistrate criminal" matters. The United States stated that "it appears to the government that a PACER search can now ascertain how many search warrants were issued by magistrate judges during a

USA'S SECOND SUPPLEMENTAL BRIEF
CV 16-80206 MISC. KAW

1 particular period beginning April 2017, as well as the case numbers assigned to those warrants.” In an
2 accompanying footnote, it noted that “a sealed search warrant is displayed on the PACER report as
3 ‘USA v. Search,’ along with the case number and magistrate judge designation.”

4 Since the filing of its Supplemental Brief, the United States has learned that its previous
5 understanding of the docketing practices of the Clerk’s Office with respect to search warrants was
6 incorrect. Specifically, it appears that search warrants that were ordered to be sealed at the time they
7 were issued and that remain sealed are displayed simply in a PACER “reports” query as “Sealed v.
8 Sealed,” along with the case number (but no accompanying magistrate judge designation). Accordingly,
9 the information provided to the Court in the footnote referred to above was incorrect. However, it
10 appears that search warrants that were never sealed or that have been unsealed are displayed in a
11 PACER reports query in several fashions, including “USA v. SEARCH,” “USA v. Search Warrant,”
12 “USA v. In the Matter of the Search of [Item(s)],” and “USA v. Sealed Search,” among others.

13
14 Dated: April 30, 2018

Respectfully submitted,

15 ALEX G. TSE
16 Acting United States Attorney

17 /s/

18

KYLE F. WALDINGER
Assistant United States Attorney

19
20 LAURA-KATE BERNSTEIN
Trial Attorney

21
22 LOUISA K. MARION
Senior Counsel

23 Department of Justice
24
25
26
27
28